

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

Notification

HD.25-87/70(T&A)

Whereas a draft Notification regarding fixing of fares for taxicabs fitted with fare meters plying in the Union Territory of Goa, Daman and Diu was published as required by sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in the Official Gazette, Extraordinary, No. 13, Series I, dated 1-7-1977 under the Notification No. HD.25-87/70(T&A) dated 1-7-1977 of the Home Department, Government of Goa, Daman and Diu, inviting objections or suggestions from all persons likely to be affected thereby within thirty days from the date of publication of the Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 1st July, 1977;

And whereas the objections or suggestions received from the public on the said draft have been considered by the Government of Goa, Daman and Diu;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and all other powers enabling him in this behalf regarding fixing of fares for taxi cabs fitted with fare meters plying in the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby directs the State Transport Authority, Panaji, that the fares chargeable by taxi cabs fitted with fare meters plying in this Union territory of Goa, Daman and Diu shall be as mentioned below: —

Fares for taxi-cabs fitted with fare meters.

- A. (a) For the first kilometre — Rs. 2-00;
- (b) For subsequent distance per 100 metres — Rs. 0-10 paise;
- (c) Waiting charges — 10 paise for every 4 minutes of waiting;
- (d) Luggage charges — 20 paise for every package carried in the luggage boot or luggage cabin of a taxi.

B. Fares for buses.

In determination of the fares chargeable by the operators of buses, the amount less than three paise shall be disregarded and amount equal to or exceeding three paise shall be regarded as five paise.

This is in partial modification of the earlier Government Notification No. HD(TA-Tpt)/8-3/74 dated 7-9-1974 published in the Official Gazette No. 24, Series I, dated 12-9-1974.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 23rd November, 1977.

Finance Department (Revenue and Control)

Notification

Fin(Rev)/2-36/AR/28/77

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Sales Tax Rules, 1964, is hereby published for general information. Notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Finance Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by section 36 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following Rules so as to further amend the Goa, Daman and Diu Sales Tax Rules, 1964, namely: —

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Sales Tax (Fourteenth Amendment) Rules, 1977.

(2) They shall come into force from such date as the Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Rule 13.** — In rule 13 of the Goa, Daman and Diu Sales Tax Rules, 1964, —

(i) For the marginal heading the following shall be substituted, namely:

"Payment of tax and filing of returns of turnover. —"

(ii) the existing sub-rules (1), (2), (3), (4) and (5) shall be re-numbered as sub-rules (2), (3), (4), (5) and (6) and before the sub-rules so re-numbered the following shall be inserted, namely:

"(1) Such dealers who are liable to pay tax and who are required to do so by the Appropriate Assessing Authority by notice in writing, and every registered dealer shall pay the tax payable under the Act for every month within fifteen days from the expiry of each month.

Explanation: For the purposes of this sub-rule, 'month' in respect of a registered dealer, who has validly exercised the option and declared his accounting year to be different from the financial year, shall be the month of that year."

(iii) in the existing proviso to re-numbered sub-rule (2), the expression "after coming into force of these rules," shall be deleted;

(iv) after the existing proviso to re-numbered sub-rule (2), the following proviso shall be added, namely: —

"Provided further that in respect of a registered dealer who has been allowed variation in the accounting year, in conformity with the accounts maintained, the first return of sales will cover the whole period from the end of the previous quarter for which the return had become due or had been furnished as per previous accounting year, upto the end of the quarter of the year for which variation is allowed."

(v) in sub-rule (3) so re-numbered, for the expression "provision of sub-rule (1)" the expression "provision of sub-rule (2)" shall be substituted;

(vi) in sub-rule (4) so re-numbered, for the expression "the first ten days" the expression "the first fifteen days" shall be substituted;

(vii) in sub-rule (5) so re-numbered, for the expression "the receipt for payment" the expression "the receipts for payments" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukhtankar, Under Secretary (Finance).

Panaji, 26th November, 1977.

Law Department (Legal Advice)

Notification

LD/Bill/16/77

The following Act which was passed by the Legislative Assembly and assented to by the Adminis-

trator of Goa, Daman and Diu on 11-11-1977 is hereby published for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

The Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1977

(Act No. 8 of 1977) [11th November, 1977]

AN

ACT

further to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1977.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 10.* — In sub-section (2) of section 10 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964) the words "subordinate to him" shall be deleted.

Secretariat,

Panaji,

11th November, 1977.

K. C. D. GANGWANI

Secretary to the Government
of Goa, Daman and Diu
Law and Judiciary Department

Notification

LD/5147/77

The following Order which was issued by the Government of India on 16-6-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

10-15/76-STU

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE & IRRIGATION
(Department of Agriculture)

New Delhi, the 16th June, 1977

ORDER

GSR 278(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby

makes the following Order further to amend the Fertiliser (Movement Control) Order, 1973, namely: —

1. (1) This Order may be called the Fertiliser (Movement Control) Second Amendment Order, 1977.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Schedule to the Fertilizer (Movement Control) Order, 1973, against serial number 55, in column (2), for the words 'Hindustan Steel Limited, Bokaro', the words 'Bokaro Steel Limited, Bokaro' shall be substituted.

Sd/-

(A. J. S. SODHI)

Joint Secretary to the Govt. of India.

Notification

LD/5104/77

The following ordinance which was promulgated by the President of India on 3-9-77 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1977

Promulgated by the President in the Twenty-eighth Year of the Republic of India.

An Ordinance further to amend the Payment of Bonus Act, 1965.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Payment of Bonus (Amendment) Ordinance, 1977.

(2) It shall come into force at once.

2. *Act 21 of 1965 to have modified effect for a particular period.* — The Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) shall,

(a) in relation to a factory or other establishment to which the principal Act applies immediately before the commencement of this Ordinance; and

(b) in relation to a banking company and the Industrial Reconstruction Corporation of India to which the principal Act applies on and from such commencement by virtue of this Ordinance, have effect in respect of the accounting year commencing on any day in the year 1976 as if the

amendments specified in sections 3 to 19 had been made in that Act.

Explanation. — In this section, the expressions "banking company" and "accounting year" shall have the meanings respectively assigned to them in clauses (8) and (1) of section 2 of the principal Act.

3. *Substitution of long title.* — In the principal Act, for the long title, the following shall be substituted, namely: —

"An Act to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith."

4. *Amendment of Section 2.* — In section 2 of the principal Act, in clause (4), after the words "being a company", the brackets and words "(other than a banking company)" shall be inserted.

5. *Substitution of new section for section 4.* — For section 4 of the principal Act, the following section shall be substituted, namely: —

"4. *Computation of gross profits.* — The gross profits derived by an employer from an establishment in respect of the accounting year shall —

(a) in the case of a banking company, be calculated in the manner specified in the First Schedule;

(b) in any other case, be calculated in the manner specified in the Second Schedule."

6. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) in clause (b), for the words "development rebate or development allowance", the words "development rebate or investment allowance or development allowance" shall be substituted;

(b) in clause (d), for the words "Second Schedule", the words "Third Schedule" shall be substituted.

7. *Amendment of Section 10.* — In section 10 of the principal Act, —

(a) after sub-section (2), the following sub-section shall be inserted, namely: —

"(2A) Notwithstanding anything contained in sub-section (1), every employer shall be bound to pay to every employee a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year:

Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "sixty rupees" were substituted;

(b) In sub-section (3), for the words "Third Schedule", the words "Fourth Schedule" shall be substituted.

8. *Amendment of section 15.* — In section 15 of the principal Act, for the words "Third Schedule" wherever they occur, the words "Fourth Schedule" shall be substituted.

9. *Amendment of Section 16.* — In section 16 of the principal Act, in sub-section (IB), for the words "Third Schedule" at both the places where they occur, the words "Fourth Schedule" shall be substituted.

10. *Amendment of Section 21.* — In section 21 of the principal Act, in the *Explanation*, for the words and figures "sections 22, 23 and 25", the words and figures "sections 22, 23, 24 and 25" shall be substituted.

11. *Amendment of section 23.* — In section 23 of the principal Act, in sub-section (1), for the word and figures "section 25", the words and figures "sections 24 and 25" shall be substituted.

12. *Insertion of new section 24.* — After section 23 of the principal Act, the following section shall be inserted, namely: —

"24. *Audited accounts of banking companies not to be questioned.* — (1) Where any dispute of the nature specified in section 22 between an employer, being a banking company, and its employees has been referred to the said authority under that section and during the course of proceedings the accounts of the banking company duly audited are produced before it, the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act.

(2) Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain any information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Regulation Act, 1949."

10 of 1949.

13. *Amendment of section 27.* — In section 27 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely: —

"(5) Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of accounts or other documents, which a banking company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Regulation Act, 1949."

10 of 1949.

14. *Amendment of section 31A.* — In section 31A of the principal Act, in the proviso, for the words "provided that", the words "Provided further that" shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely: —

"Provided that any such agreement or settlement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports to deprive them of such right."

15. *Amendment of section 32.* — In section 32 of the principal Act, —

(a) clause (vii) shall be omitted;

(b) in clause (ix), —

(i) sub-clause (ff) shall be omitted;

(ii) in sub-clause (g), after the words "financial institution", the brackets and words "(other than a banking company)" shall be inserted.

16. *Substitution of new sections for section 34.* — For section 34 of the principal Act, the following sections shall be substituted, namely: —

"34. *Employees and Employers not to be precluded from entering into agreements for grant of bonus under a different formula.* — Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act:

Provided that no such agreement shall have effect unless it is entered into with the previous approval of the appropriate Government:

Provided further that any such agreement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports to deprive them of such right:

Provided also that such employees shall not be entitled to be paid bonus in excess of

(a) 8.33 per cent of the salary or wage earned by them during the accounting year if the employer has no allocable surplus in the accounting year or the amount of such allocable surplus is only so much that, but for the provisions of sub-section (2A) of section 10, it would entitle the employees only to receive an amount of bonus which is less than the aforesaid percentage; or

(b) twenty per cent of the salary or wage earned by them during the accounting year.

34A. *Effect of laws and agreements inconsistent with the Act.* — Subject to the provisions of sections 31A and 34, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service."

17. *Amendment of the First Schedule.* — In the principal Act, the First Schedule shall be renumbered as the Second Schedule and, —

(a) in that Schedule as so renumbered —

(i) for the brackets, words and figure "(see section 4)", the brackets, words, figure and letter "[see section 4(b)]" shall be substituted;

(ii) in column (2), against Item No. 2, for the entry "(d) Development rebate/Development allowance reserve." the entry "(d) Development rebate/Investment allowance/Development allowance reserve." shall be substituted;

(b) before that Schedule as so renumbered, the following Schedule shall be inserted, namely: —

THE FIRST SCHEDULE

[See section 4(a)]

Computation of Gross Profits

Accounting Year ending ...

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
		Rs.	Rs.	
*1.	Net profit as shown in the Profit and Loss Account after making usual and necessary provisions.			
2.	Add back provision for:			
	(a) Bonus to employees.			
	(b) Depreciation.			
	(c) Development Rebate Reserve.			See foot note (1)
	(d) Any other reserves.			See foot note (1)
	Total of item No. 2	Rs.		
3.	Add back also:			
	(a) Bonus paid to employees, in respect of previous accounting years.			See foot note (1)
	(b) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of —			
	(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and			
	(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason.			
	(c) Donations in excess of the amount admissible for income-tax.			
	(d) Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income-tax).			See foot note (1)
	(e) Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949.			
	(f) Losses of, or expenditure relating to, any business situated outside India.			
	Total of item No. 3	Rs.		
4.	Add also income, profits or gains (if any) credited directly to published or disclosed reserve, other than —			
	(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax);			
	(ii) profits of, and receipts relating to, any business situated outside India;			
	(iii) income of foreign banking companies from investments outside India.			
	Net Total of item No. 4	Rs.		
5.	Total of item Nos. 1, 2, 3 and 4.	Rs.		
6.	Deduct —			
	(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax).			See foot note (2)
	(b) Profits of, and receipts relating to, any business situated outside India.			See foot note (2)
	(c) Income of foreign banking companies from investments outside India.			See foot note (2)

* Where the profit subject to taxation is shown in the Profit and Loss Account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
		Rs.	Rs.	
(d)	Expenditure or losses (if any) debited directly to published or disclosed reserves <i>other than</i> —			
(i)	capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);			
(ii)	losses of any business situated outside India.			
(e)	In the case of foreign banking companies proportionate administrative (overhead) expenses of Head Office allocable to Indian business.			See foot note (3)
(f)	Refund of any excess direct tax paid for previous accounting years and excess provision, if any, of previous accounting years, relating to bonus, depreciation, or development rebate, if written back.			See foot note (2)
(g)	Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.			See foot note (2)
	Total of item No. 6	Rs.		
7.	Gross profits for purposes of bonus (Item No. 5 minus item No. 6)	Rs.		

Explanation.—In sub-item (b) of item 3, “approved gratuity fund” has the same meaning assigned to it in clause (5) of section 2 of the Income-Tax Act.

Foot-notes—

- (1) If, and to the extent, charged to Profit and Loss Account.
- (2) If, and to the extent, credited to Profit and Loss Account.
- (3) In the proportion of Indian Gross Profit (item No. 7) to Total World Gross Profit (as per consolidated Profit and Loss Account, adjusted as in item No. 2 above only).

18. *Amendment of the Second Schedule.*—In the principal Act, the Second Schedule shall be renumbered as the Third Schedule and in that Schedule as so renumbered,—

(a) in column (2), against item No. 1, for the word “company”, the words “company, other than a banking company” shall be substituted;

(b) after item No. 1 and the entries relating thereto, the following item and entries shall be inserted, namely:—

- | | | |
|-----|-----|-----|
| (1) | (2) | (3) |
|-----|-----|-----|

“2. Banking company

(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable;

(ii) 7.5 per cent. of its paid up equity share capital as at the commencement of the accounting year;

(iii) 5 per cent. of its reserves shown in its balance-sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;

(iv) any sum which, in respect of the accounting year, is transferred by it—

(a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act, 1949; or 10 of 1949.

(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India,

whichever is higher:

Provided that where the banking company is a foreign company within the meaning of section 591 of the Companies Act, 1956, the amount to be deducted under this Item shall be the aggregate of— 1 of 1956.

(i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;

(ii) 7.5 per cent. of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total world working funds;

(iii) 5 per cent. of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;

(iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949, not exceeding the amount required under 10 of 1949.

the aforesaid provision to be so deposited.”;

(c) in the *Explanation* for the figures, brackets and word “1(iii) and 3(ii)” the figures, brackets and word “1(iii), 2(iii) and 3(ii)” shall be substituted.

19. *Amendment of the Third Schedule.*—In the principal Act, the Third Schedule shall be renumbered as the Fourth Schedule.

Sd/-

N. SANJIVA REDDY,

President.

3-9-1977.

Sd/-

K. K. SUNDARAM,

Secy. to the Govt. of India.

Notification

LD/5140/77

The following ordinance which was promulgated by the Vice President discharging the functions of the President of India on 19-9-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 19th September, 1977/
Bhadra 28, 1899 (Saka)

THE BANKING SERVICE COMMISSION (REPEAL) ORDINANCE, 1977

No. 10 of 1977

Promulgated by the Vice-President discharging the functions of President in the Twenty-eighth Year of the Republic of India.

An Ordinance to repeal the Banking Service Commission Act, 1975.

Whereas Parliament is not in session and the Vice-President discharging the functions of the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President discharging the functions of the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Banking Service Commission (Repeal) Ordinance, 1977.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the day on which this Ordinance comes into force;

(b) “Banking Service Commission” means the Banking Service Commission established under section 3 of the Banking Service Commission Act, 1975. 42 of 1975.

3. *Repeal of Act 42 of 1975 and the dissolution of the Banking Service Commission.*—On the appointed day, the Banking Service Commission Act, 1975, shall stand repealed, and the Banking Service Commission shall stand dissolved.

4. *Consequential provisions.*—On the dissolution of the Banking Service Commission,—

(a) (i) the person appointed as the Chairman of the Banking Service Commission; and

(ii) every other person appointed by the Banking Service Commission,

and holding office as such immediately before the appointed day shall vacate their respective offices and no such Chairman or other person shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service;

(b) any proceeding of whatever nature pending before the Banking Service Commission immediately before the appointed day shall stand terminated;

(c) the balance of all monies (including any fee) received by, or advanced to, the Banking Service Commission and not spent by it before the appointed day shall, on the appointed day, stand transferred to, and shall vest in, the Central Government;

(d) all property of whatever kind owned by, or vested in, the Banking Service Commission immediately before the appointed day, shall, on the appointed day, stand transferred to, and shall vest in the Central Government;

(e) all liabilities and obligations of whatever kind incurred by the Banking Service Commission and subsisting immediately before the appointed day shall, on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the Central Government; and any proceeding or cause of action, pending or existing immediately before the appointed day by or against the Banking Service Commission in relation to such liability or obligation may, as from the appointed day, be continued or enforced by or against the Central Government.

Explanation.—For the purposes of this clause, “liability” does not include any liability for any money advanced to the Banking Service Commission under sub-section (3) of section 19 of the Banking Service Commission Act, 1975;

42 of 1975.

(f) all monies vested in the Central Government under clause (c) shall, after deducting the amount incurred for discharging the liabilities and obligations under clause (e), be refunded by the Central Government to each public sector bank as defined in clause (h) of section 2 of the Banking Service Commission Act, 1975 in proportion to the amount advanced by such public sector bank to the Banking

42 of 1975.

Service Commission under sub-section (3) of section 19 of that Act.

B. D. JATTI,
Vice-President

*discharging the functions of the
President.*

K. K. SUNDARAM,
Secy. to the Govt. of India.

Notification

LD/5136/77

The following ordinances which were promulgated by the Vice-President discharging the functions of the President of India on 23-9-77 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

*New Delhi, the 23rd September, 1977
Asvina 1, 1899 (Saka)*

THE ENEMY PROPERTY (AMENDMENT) ORDINANCE, 1977

No. 11 of 1977

Promulgated by the Vice-President discharging the functions of the President in the Twenty-eighth Year of the Republic of India.

An Ordinance to amend the Enemy Property Act, 1968.

Whereas Parliament is not in session and the Vice-President discharging the functions of the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution the Vice-President discharging the functions of the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Enemy Property (Amendment) Ordinance, 1977.

(2) It shall come into force on the 27th September, 1977.

2. *Act 34 of 1968 to be temporarily amended.*—During the period of operation of this Ordinance, the Enemy Property Act, 1968 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 11.

3. *Amendment of long title.*—In the long title of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "and the Defence of India Rules, 1971" shall be inserted.

4. *Amendment of section 2.*—In clause (b) of section 2 of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "or the Defence of India Act, 1971 and the Defence of India Rules, 1971" shall be inserted.

5. *Amendment of section 3.*—In the proviso to section 3 of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "or the Defence of India Rules, 1971, as the case may be," shall be inserted.

6. *Amendment of section 4.*—In the proviso to section 4 of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "or the Defence of India Rules, 1971, as the case may be," shall be inserted.

7. *Amendment of section 5.*—Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding the expiration of the Defence of India Act, 1971 and the Defence of India Rules, 1971, all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of the Enemy Property (Amendment) Ordinance, 1977 shall, as from such commencement, vest in the Custodian." 42 of 1971.

8. *Amendment of section 7.*—In section 7 of the principal Act, after the words and figures "Defence of India Rules, 1962", wherever they occur, the words and figures "or the Defence of India Rules, 1971, as the case may be," shall be inserted.

9. *Amendment of section 8.*—In sub-section (2) of section 8 of the principal Act, in clause (x), after the figures, letters and word "25th October 1962", the words, figures and letters "or on the 3rd December 1971" shall be inserted.

10. *Amendment of section 23.*—In sub-section (3) of section 23 of the principal Act, for the words "or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

11. *Amendment of section 24.*—Section 24 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Every order which was made under the Defence of India Rules, 1971 by the Central Government or by the Custodian of Enemy Property for India appointed under those Rules relating to enemy property and which was in force immediately before the expiration thereof shall, in so far as such order is not inconsistent with the provisions of this Act, be deemed to continue in force and to have been made under this Act."

B. D. JATTI,
Vice-President.

discharging the functions of the President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

New Delhi, the 23rd September, 1977
 Asvina 1, 1899 (Saka)

THE REQUISITIONING AND ACQUISITION OF
 IMMOVABLE PROPERTY (AMENDMENT)
 ORDINANCE, 1977

No. 12 of 1977

Promulgated by the Vice-President discharging the functions of the President in the Twenty-eighth Year of the Republic of India.

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Whereas Parliament is not in session and the Vice-President discharging the functions of the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President discharging the functions of the President is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977.

2. *Insertion of new section 26.*—In the Requisitioning and Acquisition of Immovable Property Act, 1952, after section 25, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 21st day of March, 1977, namely:—

'26. *Special provision as to certain requisitions under Act 42 of 1971.*—(1) Notwithstanding anything contained in this Act, any immovable property requisitioned or purported to have been requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, under the Defence of India Act, 1971, and the rules made thereunder (including any immovable property deemed to have been requisitioned under the said Act), which has not been released from such requisition before the appointed day, shall,—

(i) if such property was requisitioned on or before the 21st day of March, 1977, as from that date, and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly:

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under this Act, the sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (2) of section 8 shall be reduced by the sum or sums, if any, paid or payable in respect of such matter or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1971, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act. 10 of 1897.

Explanation.—In this section, "appointed day" means the date of promulgation of the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977.

B. D. JATTI,
 Vice-President,

discharging the functions of the President.

K. K. SUNDARAM,
 Secy. to the Govt. of India.

Notification

LD/5402/77

The following ordinance which was promulgated by the President of India on 31-10-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 24th November, 1977.

THE ADVOCATES (AMENDMENT)
 ORDINANCE, 1977

No. 16 of 1977

Promulgated by the President in the Twenty-eighth Year of the Republic of India.

An Ordinance further to amend the Advocates Act, 1961.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Advocates (Amendment) Ordinance, 1977.

(2) It shall come into force at once.

2. *Act 25 of 1961 to be temporarily amended.*—During the period of operation of this Ordinance, the Advocates Act, 1961 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 8 (both inclusive).

3. *Amendment of section 3.* — In section 3 of the principal Act, for sub-sections (3) and (3A), the following sub-sections shall be substituted, namely:—

“(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(3A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Ordinance, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Ordinance, 1977, assumes charge of the office.”

4. *Amendment of section 4.* — (1) In section 4 of the principal Act, —

(i) in sub-section (1), clause (bb) shall be omitted;

(ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely: —

“(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(2A) A person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Ordinance, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Ordinance, 1977, assumes charge of the office.”

5. *Amendment of section 8.* — (1) In sub-section (1) of section 8 of the principal Act, for the words “four years”, the words “five years” shall be substituted.

(2) The amendment made by sub-section (1) to sub-section (1) of section 8 of the principal Act shall apply also to an elected member of every State Bar Council who has not completed the term of four years at the commencement of this Ordinance.

6. *Amendment of section 15.* — In sub-section (2) of section 15 of the principal Act, —

(i) before clause (d), the following clause shall be inserted, namely: —

“(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;”;

(ii) in clause (d), after the words “election to the Bar Council”, the words “or to the office of the Chairman or Vice-Chairman” shall be inserted.

7. *Amendment of section 34.* — In section 34 of the principal Act, after sub-section (1A), the following sub-section shall be inserted, namely: —

“(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta may make rules providing for the holding of the Intermediate and the Final examinations for articulated clerks to be passed by the persons referred to in section 58AG for the purpose of being admitted as advocates on the State roll and any other matter connected therewith.”

8. *Insertion of new section 58AG.* — In the principal Act, after section 58AF, the following section shall be inserted, namely: —

“58AG. *Special provisions in relation to articulated clerks.* — Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December, 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub-section (2) of section 34, before the omission of that sub-section by the Advocates (Amendment) Act, 1976, 107 of 1976, may be admitted as an advocate on the State roll if he —

(i) passes, on or before the 31st day of December, 1980, —

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

Explanation. — For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act; and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.”

N. SANJIVA REDDY,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.